

**DAVID K. BERTAN**  
ATTORNEY AT LAW  
41 EAST 11<sup>TH</sup> STREET, 11<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10003

(718) 742-1688  
E-MAIL: DBERTAN@YAHOO.COM

June 13, 2023

**Via ECF**

Hon. Paul G. Gardephe, United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

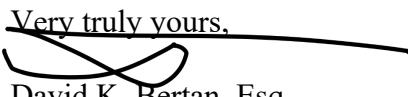
Re: USA v. Stuart Finkelstein  
Docket No. 21-Cr-217 (PGG)

Dear Judge Gardephe:

I am writing to renew my request for an adjournment of sentencing for one month. As this Court is aware, the defense sentencing submission has been filed. Mr. Finkelstein is still in extreme pain and discomfort from his recent shoulder surgery, and any travel to New York will cause further discomfort. In addition, given the nature of the surgery, and the vagaries of air travel, Mr. Finkelstein could sustain further injury to his shoulder before it heals. Being jostled in line, or inadvertently jarring his shoulder while going through airport security, could easily undo the recent surgical repair.

The AUSA will be available for sentencing on July 24, 2023 (she is unavailable earlier in July, and will be on trial in mid-August: I will be unavailable from July 26-August 1, and again from August 10-18. Accordingly, I am renewing my request that sentencing be scheduled for July 24, 2023.

Thank you for your consideration in this matter.

Very truly yours,  
  
David K. Bertan, Esq.

cc: AUSA Rushmi Bhaskaran (via ECF)